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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE GOOGLE PLAY STORE ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:

*In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF ERIC SCHACHTER IN
SUPPORT OF CONSUMER PLAINTIFFS'
NOTICE OF MOTION AND MOTION TO
AUTHORIZE NOTICE OF PENDENCY TO
THE CONSUMER PLAINTIFF CLASS**

Judge: Hon. James Donato

Date: September 14, 2023

Time: 10:00 a.m.

Courtroom: 11

1 I, Eric Schachter, declare as follows:

2 1. I am a Senior Vice President with A.B. Data, Ltd. (“A.B. Data”). I am fully familiar
3 with the facts contained herein based upon my personal knowledge, and if called as a witness,
4 could and would testify competently thereto. I submit this Declaration at the request of Consumer
5 Plaintiffs’ Counsel in connection with the above-captioned action (the “Action”).

6 2. A.B. Data has been appointed as Notice, Claims, and/or Settlement Administrator in
7 hundreds of class actions and related matters, administering some of the largest and most complex
8 notice and claims administration programs of all time, involving all aspects of media, direct, and
9 third-party notice programs, data management and analysis, claims administration, and settlement
10 fund distribution.

11 3. I have over 20 years of experience in legal administration that includes
12 implementing and maintaining notice plans and claims administration programs in hundreds of
13 class action cases and related proceedings, including complex consumer, antitrust, and securities
14 class actions; Securities and Exchange Commission settlements and related distributions; and civil
15 rights, employment, and insurance class actions.

16 4. At the request of Consumer Plaintiffs and in consultation with A.B. Data’s media
17 experts, I have prepared a proposed notice plan for this litigation. This Declaration will describe the
18 proposed notice plan and how it will meet due process requirements. This Declaration is based
19 upon my personal knowledge and upon information provided to me by Co-Lead Class Counsel for
20 the Consumer Plaintiffs, my associates, and A.B. Data staff members.

21 5. The objective of the proposed notice plan is to provide the best practicable notice
22 under the circumstances to consumers who paid for an App through the Google Play Store or paid
23 for in-App content (including subscriptions or ad-free versions of apps) through Google Play
24 Billing on or after August 16, 2016 (“Qualifying Purchase”), and who, at the time of the purchase,
25 had a Google payments profile address in Alabama, Georgia, Hawaii, Illinois, Kansas, Maine,
26 Michigan, Ohio, Pennsylvania, South Carolina, Wisconsin, Wyoming, American Samoa, Guam,
27 Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.
28

DIRECT NOTICE

6. A.B. Data understands from Consumer Plaintiffs that email addresses for approximately 21 million consumers who made Qualifying Purchases would be available to use for notice. Since such robust direct contact information is available and these consumers are presumably computer savvy and thus reachable by email given their Qualifying Purchases with Google, sending email notice to these users would reach as many potential consumers as possible and would be the best notice practicable under the circumstances. As such, the proposed notice plan will feature robust direct notice via email to all consumer email addresses identified by Google.

7. For sending email notice, A.B. Data implements certain best practices when disseminating email to maximize deliverability. For example, the subject line, the sender, and the body of the message will be designed to overcome SPAM filters and encourage readership. The email notice will be in an embedded html text format without graphics, tables, images, attachments, and other elements that would increase the likelihood that the message could be blocked by email service providers. The email notice will also be transmitted with a digital signature to the header and content of the email notice, which will allow providers to programmatically authenticate that the email notices are from A.B. Data's authorized mail servers. The email notice will also include an embedded link to the case website for consumers to easily access frequently asked questions, important dates and deadlines, and other relevant information about the case.

DIGITAL MEDIA

8. To supplement direct notice efforts, targeted digital banner and newsfeed advertisements will be placed on various websites and applications through cross-devices. Digital advertising allows the viewer to click on a banner or newsfeed advertisement and instantly be directed to the case website. Guided by our in-house Comscore¹ data analysis, A.B. Data's digital

¹ Comscore is a global internet information provider on which leading companies and advertising agencies rely for consumer behavior insight and internet data usage. Comscore maintains a proprietary database of more than 2 million consumers who have given Comscore permission to monitor their browsing and transaction behavior, including online and offline purchasing.

media experts will place digital banner, text, and/or newsfeed ads through popular digital networks and social media platforms. Because of the vast reach of Google's online advertising network, which according to Google reaches over 90% of Internet users worldwide, A.B. Data recommends using Google-owned platforms to accomplish the best notice practicable under the circumstances. Specifically, the notice plan would feature Google Display Networks, Google AdWords, and YouTube. Facebook and Instagram would also be utilized. In the event Google-owned platforms cannot be used, A.B. Data would utilize Facebook, Instagram, and alternative digital and social networks such as Yahoo! and Microsoft.

9. The digital impressions will be highly targeted, specifically delivered to the social media feeds of Class Members by using either their known contact information, or to digital users that have expressed an interest in information relevant to the subject of this case, such as information concerning Google-made Devices.

10. Several campaign optimization strategies will be utilized including:

- Mobile In-App - targeting users inside mobile applications that fit into our data pool;
- Mobile websites - targeting phones and tablets whose users are visiting websites that are contextually relevant;
- Contextual targeting - serving ads on websites with relevant content such as websites that feature Google-made Devices;
- Behavioral targeting - targeting user ID's whose owners have shown activity in the target data pools, such as those interested in Google-made Devices; and
- Predictive Modeling - Using "look alike" modeling to target user IDs whose owners have strong similarities to users who previously clicked through to the case websites.

11. All banner and newsfeed ads will include embedded and trackable links to the case-specific website providing a way to optimize ads based on traffic and conversions. A.B. Data employs a fully staffed digital buying team to manage all digital and social media programs in-house for the greatest control and oversight. A.B. Data's digital media experts will monitor the success, conversions, and activity associated with the digital and social media and will optimize the number of impressions delivered across each platform to achieve maximum engagement and

1 efficiency.

2 12. The digital and social media ad campaign, including utilization of the digital
3 networks and social media described above, will run between 30 and 60 days to ensure ample time
4 to deliver the targeted impressions and drive consumers to the website. We expect a minimum of
5 60 million impressions to be delivered across digital networks and social media, enabling
6 maximum exposure and delivering the reach required to satisfy due process. The proposed digital
7 and social media ad campaign is flexible and can be adjusted as necessary to provide sufficient
8 notice coverage. Thus, the number of impressions ultimately served will depend on how many
9 Class Members are successfully sent direct notice by email and will be adjusted accordingly to
10 provide sufficient reach.

11 **EARNED MEDIA**

12 13. A.B. Data recommends that a news release be disseminated via PR Newswire's US1
13 and Multi-cultural Newswire distribution lists. This news release will be distributed via PR
14 Newswire to the news desks of approximately 10,000 newsrooms across the United States and will
15 be translated and published in various languages. This release will also be tweeted from PR
16 Newswire's and A.B. Data's Twitter accounts to thousands of news media and other followers.

17 **TOLL-FREE TELEPHONE NUMBER**

18 14. A.B. Data will implement and maintain a toll-free telephone number with an
19 automated interactive voice response system. The toll-free telephone number will appear on the
20 Long-Form Notice and Summary Notice. The automated interactive voice response system will
21 present callers with a series of choices to hear prerecorded information concerning the Action. If
22 callers need further help, they will have an option to leave a voicemail for a call back.

23 **WEBSITE**

24 15. A.B. Data will also implement and maintain a case-specific website for this matter.
25 The website address will appear on the notices and will be hyperlinked from the digital banner ads.
26 The website will provide, among other things, a summary of the case and consumer rights and
27 options, relevant pleadings, important dates, any pertinent updates concerning the Action, and the
28 ability to request exclusion online if applicable.

DATA SECURITY

16. A.B. Data is committed to protecting the confidentiality, integrity, and availability of personal identifying information and other information that it collects from its clients and consumers and requires that its employees, subcontractors, consultants, service providers, and other persons and entities it retains do the same. A.B. Data has an Information Security Policy in place, which is a suite of policies and procedures intended to cover all information security issues and bases for A.B. Data, and all of its divisions, departments, employees, vendors, and clients. Consistent with that policy, all data provided directly to A.B. Data will be used solely for the purpose of effecting the terms of the notice plan. A.B. Data will not use information to be provided by consumers or parties to the Action for any other purpose.

17. A.B. Data has a number of high-profile clients, including the SEC, the United States Department of Justice, other agencies of the United States government, as well as direct banking and payment services companies with some of the most recognized brands in United States financial services and some of the largest credit card issuers in the world. We are therefore frequently subjected to physical, logical, data, and information systems security reviews and audits. We have been compliant with our clients' security standards and have also been determined to be compliant with ISO/IEC 27001/2 and Payment Card Industry (PCI) data security standards, the Gramm-Leach-Bliley (GLB) Act of 1999, the National Association of Insurance Commissioners (NAIC) Regulations, the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and the Health Information Technology for Economic and Clinical Health Act (HITECH).

CONCLUSION

18. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed notice plan described herein reflects a strategic and contemporary method of deploying notice to Class Members and is adequate and reasonable to reach Class Members effectively. A.B. Data reasonably believes that the reach of the notice plan, through a multi-media-channel approach that includes direct email, digital banner ads, microtargeted digital notice, social media, and earned media, will satisfy due process and is the best practicable notice plan under the circumstances.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 10th day of August 2023 in Milwaukee, Wisconsin.

4
5 DATED: August 10, 2023

6 By: 

Eric Schachter
A.B. Data, Ltd.
Milwaukee, Wisconsin

E-FILING ATTESTATION

I, Karma M. Giulianelli am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Karma M. Giulianelli

Karma M. Giulianelli